

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of E'lois M. Watson)	
)	
Certificate # 212466)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2004. On October 2, 2003, the State Department of Education (Department) sent Ms. E'lois M. Watson a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Watson received the notice, as evidenced by a postal receipt bearing her signature. Ms. Watson requested a private hearing, which was held on January 14, 2004, before John Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Ms. Watson appeared and presented documentary evidence and testified on her behalf. Pat Mitchell, Executive Director for Human Resources, Greenville County School District (District), appeared and presented documentary evidence and testimony on behalf of the District. After considering the evidence presented, Mr. Fantry recommended that the State Board suspend Ms. Watson's certificate #212466 for a period of five months, from January 15, 2004, terminating May 15, 2004. After carefully considering the hearing officer's report, the State Board voted to suspend Ms. Watson's certificate for one day, August 29, 2003.

FINDINGS OF FACT

Ms. Watson holds a valid certificate and has over one year of teaching experience. She was under contract with the District for the 2003-2004 school year, as a special education teacher at League Academy. Ms. Watson resigned her position in a letter to the District

Superintendent dated August 15, 2003, effective August 29, 2003, citing her need to move out of state due to a family crisis. Ms. Watson did not return to work after August 18, 2003. The District employed a full time educator with similar qualifications to replace Ms. Watson on September 2, 2003. She stated that even before signing her contract on April 21, 2003, she feared for her safety because she had obtained a restraining order against her ex-husband who lived only four blocks from League Academy. She immediately requested a transfer to another school in the District. She was told she would be placed on a transfer request list. When she learned in late July that she would not receive a transfer, she told the principal she did not want to start the school year in that location. A District official acknowledged that Ms. Watson did register safety concerns due to the proximity of her assignment to her husband as early as June 2003. District policy places strict conditions on resignation requests made after July 1. The District considered Ms. Watson in breach of her contract when she submitted a letter of resignation dated August 15, 2003, and did not return to work after August 18, 2003. On September 9, 2003, The District Board voted to file a complaint with the State Board to seek the suspension of her certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board must suspend the educator's contract if the District Board files a complaint and provides conclusive evidence that the educator breached the contract. The State Board finds that there is conclusive evidence that Ms. Watson breached her contract with the District; however, the circumstances surrounding the resignation support a minimum sanction against Ms. Watson. Therefore, the

Board suspends Ms. Watson's certificate # 212466 for a period of one day, August 29, 2003, on the ground of unprofessional conduct due to breach of contract.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Mary E. Jones

Chair

Columbia, South Carolina
February 10, 2004